

805 KAR 1:160. Posting of a danger sign on a facility used for the storage of oil.

RELATES TO: KRS 353.500, 353.656

STATUTORY AUTHORITY: KRS 353.540(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 353.656 requires a well operator to display a sign printed with the word "Danger" and other information specified by the department near or on a facility used for storage of oil, whether it is in active production or has been abandoned. This administrative regulation specifies the size, wording, coloration, and placement of the sign.

Section 1. Definitions. (1) "NFPA" means the National Fire Protection Association.

(2) "Tank battery" means a single storage tank or group of storage tanks that are interconnected or are less than three (3) feet apart, where oil is collected from a wellhead.

Section 2. (1) An operator shall display a printed sign on each tank battery, whether it is in active production or has been abandoned.

(2) Each sign shall contain the following words and phrases:

- (a) "Danger";
- (b) "No smoking or open flame";
- (c) "Extremely flammable liquid and vapor";
- (d) "May cause flash fire";
- (e) "No trespassing"; and
- (f) "Petroleum crude oil".

(3) Symbol. A no smoking symbol with a cigarette crossed through shall be displayed on each side of the words "no smoking or open flame".

Section 3. (1) The sign shall use the numbering system described in NFPA 704 "Standard System for the Identification of the Fire Hazards of Materials," which provides a classification and marking system for identification of a fire hazard.

(2) A facility used for the storage of oil shall have a "health hazards" ranking of "1" identified by:

(a) A black "1" at the nine (9) o'clock position in a blue square located in a square-on-point field;
or

(b) A blue "1" at the nine (9) o'clock position without the colored square.

(3) A facility used for the storage of oil shall have a "flammability hazards" ranking of "3" identified by:

(a) A black "3" at the twelve (12) o'clock position in a red square located in a square-on-point field;
or

(b) A red "3" at the twelve (12) o'clock position without the colored square.

(4) A facility used for the storage of oil shall have a "reactivity hazards" ranking of "0" identified by:

(a) A black "0" at the three (3) o'clock position in a yellow square located in a square-on-point field; or

(b) A yellow "0" at the three (3) o'clock position without the colored square.

Section 4. Dimensions and Coloration of the Sign. (1) A sign shall not be smaller than:

(a) Seventeen (17) inches in height; and

(b) Twenty-eight (28) inches in width.

(2) The letter size for the required wording shall be as follows:

(a) The word "danger" shall:

1. Be in uniformly sized letters; and

2. Not be less than three (3) inches in height;

- (b) The words "no smoking or open flame" shall:
 - 1. Be in uniformly sized letters; and
 - 2. Not be less than one (1) inch in height; and
- (c) The words set out in Section 2(2)(c) through (f) of this administrative regulation shall:
 - 1. Be in uniformly sized letters; and
 - 2. Not be less than one-half (1/2) inch in height.
- (3) The "no smoking" symbol with a cigarette crossed through shall not be less than one and one-half (1 1/2) inches in height.
- (4) The NFPA numbers shall not be less than one-half (1/2) inch in height.
- (5) The background color of the sign shall contrast with the foreground color of the letters and the NFPA numbers to make them clearly visible (e.g., white background with black letters).

Section 5. (1) There shall be one (1) sign per:

- (a) Tank battery; or
 - (b) Tank, if the individual tanks in a battery are controlled by more than one (1) operator.
- (2) A sign shall be:
- (a) Displayed at:
 - 1. Least five (5) feet from the ground; and
 - 2. The most visible location from the approach;
 - (b) Properly maintained; and
 - (c) Replaced if it is:
 - 1. Illegible;
 - 2. Damaged;
 - 3. Vandalized; or
 - 4. Stolen.

Section 6. Signs in Existence Prior to this Administrative Regulation. (1) A danger sign posted on a tank or tank battery prior to promulgation of this administrative regulation may be retained by an operator if:

- (a) He files a written petition for a waiver seeking permission to retain the noncomplying sign; and
 - (b) The prior sign is clearly displayed:
 - 1. On the tank or tank battery; and
 - 2. At the most visible location from approach;
- (2) A prior noncomplying danger sign shall be replaced with a sign that complies with this administrative regulation if it is:
- (a) Illegible;
 - (b) Damaged;
 - (c) Vandalized; or
 - (c) Stolen.

Section 7. Violations for Failure to Post a Sign. (1) Upon locating a tank or tank battery without a danger sign, the inspector shall issue a notice of noncompliance to the last known operator.

(2) The notice of noncompliance shall be mailed to the operator by certified mail, return-receipt requested. If the violation is not corrected by the posting of a proper sign within forty-five (45) days of his receipt of the notice of noncompliance, the operator shall be subject to the penalties set out in KRS 353.991.

Section 8. Material Incorporated by Reference. (1) The following material is incorporated by reference: NFPA Edition 704, "Standard System for the Identification of Fire Hazards of Materials", 1990

edition, Chapters 1-4 and Figure 6.1.

(2) This material may be examined or copied at the Kentucky Department for Natural Resources, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 3653; Am. 4180; 24 Ky.R. 88; eff. 7-9-1997; TAm eff. 8-9-2007, TAm eff. 7-6-2016.)